



1350 Norris Road
Bakersfield, California 93308-2231

Via Email only: 74712-31136197@requests.muckrock.com

July 1, 2019

Samuel Sinyangwe
MuckRock News
DEPT MR 74698
411A Highland Ave
Somerville, MA 02144-2516

Re: California Public Records Act Request

Dear Mr. Sinyangwe:

The Kern County Sheriff's Office ("KCSO") is in receipt of your June 6, 2019, request under the California Public Records Act, as follows:

1. The total number of sheriff's deputy use of force incidents broken down by type of force used, between 2013 – 2018 (separated by year).
2. The total number of people that deputies used force against, between 2013-2018 (separated by year).
3. The total number of use of force complaints reported between 2013-2018 (separated by year).
4. The total number of use of force complaints sustained between 2013-2018 (separated by year).
5. The policy manual of the sheriff's department.
6. The current union contract between the city and any sheriff's deputy/police officer unions.

Response to Nos. 1, 2 and 3: Please see the attached report.

Response to No. 4: The KCSO does not have a report for the number of "...use of force complaints sustained..." Our system does not have a mechanism for separating out "use of force complaints sustained" from other allegations that may have been included in the cases. The only way to determine the number of "use of force complaints sustained" would be to perform a hand search of each file and compile the pertinent information.

The CPRA does not require public agencies to create new records. "It is well established under California law . . . that, while the CPRA requires public agencies to provide access to their existing records, it does not require them to create new records to satisfy a request." (See *Sander v. State Bar of California* (2018) 26 Cal.App.5th 651, 665, citing *Fredericks v. Superior Court* (2015) 233 Cal.App.4th 209, 223-224.) Put another way, the CPRA requires public agencies to provide access to (or copies of) existing and identifiable public records in their possession. "Except with respect to public records exempt from disclosure by express provisions of law, each state or local agency, upon a request for a copy of records that reasonably describes an identifiable record or records, shall make the records promptly available to any person upon payment of fees covering direct costs of duplication or a statutory fee if applicable." (Cal. Gov't Code § 6253, subd. (b).)

Due to limited staffing and the number of the individual records, for the KCSO to perform this exercise would place an undue burden on KCSO resources that is not required by the CPRA. "Under applicable California law, even a focused, specific request, when it would require an agency to search volumes of documents or to produce a large volume of material may be objectional as "unduly burdensome." (*California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 166; citing *American Civil Liberties Union Foundation v. Deukmejian* (1982) 32 Cal.3d 440.)

Response to No. 5: The KCSO will provide you a copy of the Department Policies and Procedures Manual under separate reported cover in the next several weeks.

Response to No. 6: The current union contract between the County of Kern and deputies can be found on the Kern County Human Resources website: <https://www.kerncounty.com/hr/labor>

If you have any questions please feel free to contact me at 661-391-7518 or email: walshm@kernsheriff.org

Sincerely,

DONNY YOUNGBLOOD,
Sheriff – Coroner, County of Kern County

By: 
MaryClaire Walsh
Civil Litigation Coordinator

Force by assignment of involved officers

Jan 01, 2013 - Dec 31, 2013

Divisions	Type of force	Stat Count
Community Services Division		
	Control Hold	2
	Hands	3
	Taser	1
	Verbal	2
Downtown Services Division		
	37/40MM Impact Rounds	1
	Control Hold	303
	Feet	14
	Hands	204
	Other object	8
	Pepper Spray	4
	Restraint Chair	14
	Taser	21
	Verbal	225
General Investigations Division		
	Control Hold	3
	Verbal	1
Patrol Division		
	Baton	40
	Carotid Restraint	2
	CN/CS Gas	2
	Collapsible Baton	11
	Control Hold	282
	Feet	22
	Firearm	5
	Hands	218
	K-9	24
	Other object	15
	Pepper Spray	49
	Taser	38
	Vehicle	2

Verbal	365
Personnel Division	
Firearm	1
Hands	1
Taser	1
Verbal	1
Special Investigations Division	
37/40MM Impact Rounds	1
Baton	4
Control Hold	8
Feet	3
Hands	14
Pepper Spray	4
Vehicle	1
Verbal	19
Substations Division	
Control Hold	2
Hands	1
Training Division	
Hands	1
Volunteer Services Division	
Control Hold	1
Hands	1

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:06 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2014 - Dec 31, 2014

Divisions	Type of force	Stat Count
Community Services Division		
	Control Hold	2
	Verbal	2
Downtown Services Division		
	Baton	2
	Carotid Restraint	1
	Control Hold	402
	Feet	32
	Hands	252
	Other object	10
	Pepper Ball	1
	Pepper Spray	24
	Restraint Chair	37
	Stun Shield	2
	Taser	25
	Verbal	322
General Investigations Division		
	Hands	1
	Verbal	1
Patrol Division		
	Baton	17
	Carotid Restraint	2
	CN/CS Gas	2
	Collapsible Baton	5
	Control Hold	267
	Feet	13
	Firearm	3
	Hands	182
	K-9	8
	Other object	10
	Pepper Ball	1
	Pepper Spray	52
	Taser	37

Vehicle	2
Verbal	279

Special Investigations Division

Baton	1
Collapsible Baton	1
Control Hold	9
Feet	6
Firearm	3
Hands	8
Taser	2
Verbal	7

Substations Division

Control Hold	10
Hands	16
Other object	1
Pepper Spray	3
Taser	4
Verbal	11

Training Division

Control Hold	1
Feet	1
Hands	1
Verbal	1

WATCH LIEUTENANT SECTION

Taser	1
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Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:08 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2015 - Dec 31, 2015

Divisions	Type of force	Stat Count
Downtown Services Division		
	Carotid Restraint	2
	CN/CS Gas	1
	Collapsible Baton	2
	Control Hold	419
	Feet	28
	Firearm	1
	Hands	249
	Other object	20
	Pepper Ball	3
	Pepper Spray	14
	Restraint Chair	58
	Stun Shield	5
	Taser	20
	Vehicle	1
	Verbal	346
General Investigations Division		
	Control Hold	4
	Hands	1
	Verbal	1
Patrol Division		
	Baton	23
	Collapsible Baton	10
	Control Hold	120
	Feet	6
	Firearm	2
	Hands	64
	K-9	17
	Other object	6
	Pepper Spray	18
	Taser	36
	Vehicle	1
	Verbal	126
Personnel Division		

Control Hold	2
Taser	3
Verbal	1

Special Investigations Division

37/40MM Impact Rounds	1
Control Hold	10
Hands	12
Verbal	12

Substations Division

Baton	17
Carotid Restraint	1
Collapsible Baton	1
Control Hold	142
Feet	11
Firearm	1
Hands	100
K-9	1
Other object	6
Pepper Spray	20
Taser	38
Vehicle	2
Verbal	127

Support Services Division

Control Hold	2
Verbal	1

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:09 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2016 - Dec 31, 2016

Divisions	Type of force	Stat Count
Downtown Services Division		
	Baton	6
	Carotid Restraint	3
	Control Hold	466
	Feet	29
	Hands	237
	Other object	30
	Pepper Ball	1
	Pepper Spray	6
	Restraint Chair	67
	Taser	28
	Vehicle	1
	Verbal	298
General Investigations Division		
	Control Hold	2
	Verbal	1
Patrol Division		
	Baton	14
	Carotid Restraint	1
	Collapsible Baton	1
	Control Hold	83
	Feet	3
	Firearm	2
	Hands	56
	K-9	18
	Other object	1
	Pepper Spray	15
	Taser	17
	Verbal	95
Personnel Division		
	Control Hold	1
	Hands	2
	Verbal	1

Special Investigations Division

Baton	1
Control Hold	5
Feet	1
Hands	7
Other object	1
Restraint Chair	1
Taser	1
Verbal	5

Substations Division

Baton	17
Control Hold	122
Feet	14
Firearm	4
Hands	78
Other object	6
Pepper Spray	20
Taser	30
Vehicle	2
Verbal	105

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:10 by ADMINISTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2017 - Dec 31, 2017

Divisions	Type of force	Stat Count
Downtown Services Division		
	Baton	1
	Control Hold	250
	Feet	22
	Firearm	3
	Hands	130
	Other object	26
	Pepper Ball	2
	Pepper Spray	11
	Restraint Chair	52
	Stun Shield	3
	Taser	26
	Verbal	159
General Investigations Division		
	Control Hold	2
	Hands	1
Investigations Division		
	Control Hold	1
Patrol Division		
	37/40MM Impact Rounds	2
	Baton	15
	Carotid Restraint	1
	CN/CS Gas	1
	Collapsible Baton	3
	Control Hold	72
	Feet	4
	Hands	59
	K-9	32
	Other object	1
	Pepper Spray	19
	Taser	12
	Verbal	101

Personnel Division

Hands	4
Verbal	1

Special Investigations Division

Control Hold	2
Feet	2
Hands	3
Pepper Spray	2
Taser	2
Verbal	3

Substations Division

Baton	21
Carotid Restraint	1
Collapsible Baton	1
Control Hold	99
Feet	8
Firearm	1
Hands	55
Other object	6
Pepper Spray	18
Taser	25
Vehicle	2
Verbal	79

Support Services Division

Hands	2
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Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:10 by ADMINSTRATIVE COORD. Amy Maxwell

Force by assignment of involved officers

Jan 01, 2018 - Dec 31, 2018

Divisions	Type of force	Stat Count
Downtown Services Division		
	Baton	1
	Carotid Restraint	2
	Control Hold	296
	Feet	20
	Hands	175
	Other object	10
	Pepper Spray	18
	Restraint Chair	63
	Stun Shield	2
	Taser	14
	Verbal	100
Investigations Division		
	Baton	2
	Control Hold	4
	Feet	3
	Hands	17
	Other object	2
	Pepper Spray	1
	Taser	3
	Verbal	19
Patrol Division		
	37/40MM Impact Rounds	2
	Baton	25
	Carotid Restraint	1
	Collapsible Baton	4
	Control Hold	117
	Feet	10
	Firearm	1
	Hands	84
	K-9	27
	Other object	5
	Pepper Spray	17
	Taser	27
	Verbal	130

Personnel Division

Control Hold	1
Hands	2
Verbal	2

Substations Division

Baton	6
Carotid Restraint	4
Collapsible Baton	5
Control Hold	113
Feet	8
Firearm	1
Hands	90
Other object	11
Pepper Spray	12
Restraint Chair	1
Taser	20
Vehicle	1
Verbal	96

Support Services Division

Hands	2
Verbal	1

Report name: Uses-of-force by assignment of involved officer x type of force 5.0

Report run on: Jun 24, 2019 at 09:11 by ADMINISTRATIVE COORD. Amy Maxwell